

REMARKS

The Applicants respectfully request reconsideration and allowance.

CLAIMS STATUS

The pending and rejected claims are 1-4, 6, 8-13, 17-19, 22-26, and 30-33.

The only independent claim is claim 1. Claim 1 is presently amended, and support for this amendment can be found in Figure 9 and elsewhere in the specification. The applicants also clarify an informality in claim 1 raised by the examiner (delete “a”).

REJECTIONS UNDER 35 U.S.C. § 102

All pending claims except claim 24 are rejected as anticipated by US Patent Publication 2004/0208751 (Lazar). The Applicants respectfully traverse.

Lazar does not anticipate because, among other reasons, Lazar teaches a high voltage power source (HVPS), whereas Applicants claim a low voltage source. See, for example, Lazar at Figure 1 (“HVPS”) and paragraph 27 (“high voltage power supply 30”). Lazar consistently describes high or large voltages of, for example, 2,000 V (paragraphs 28, 31, 32, and 34 (“a large voltage drop”).

In this record, the Applicants have already distinguished electroosmotic pumps as in Lazar from the presently claimed systems based on electrolysis pumps, and the Applicants again traverse the PTO’s position to date.

One skilled in the art which has possession of the present specification would understand the substantial distinctions between high versus low voltage sources and electroosmotic versus electrolysis pumps.

In sum, the cited prior art does not anticipate.

REJECTIONS UNDER 35 U.S.C. § 103

Finally, these differences between the claims and the prior art are sufficiently substantial so that the claimed subject matter would not have been obvious. Lazar teaches away by its requirement for high voltages and a totally different electroosmotic pumping mechanism. Lazar presents no motivation to use low voltage as the Lazar pump would not work without high voltage. The advantages of low voltage and electrolysis pumps has already been stressed in the record. See Applicants' specification at page 2 and prior arguments.

The obviousness of claim 24, where Lazar is used as a primary reference, is subsumed into the obviousness discussion for claim 1.

The Applicants invite the Examiner to address also the patentability of each claim on its own merits.

In sum, the cited art does not render the claimed subject matter obvious.

DOUBLE PATENTING

Finally, claim 1 stands provisionally rejected on the ground of non-statutory obviousness-type double patenting over claim 1 of co-pending Application No. 11/177,505 (2006/0193748) which is a related case which has not yet been examined. The Applicants propose to address this rejection when, if ever, it becomes a non-provisional rejection or is the last rejection on the record.

CONCLUSION

The Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 2, 2008

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